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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,058	11/29/2000	Benjamin N. Truelove	MICR0519	8668

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EXAMINER

VAUGHN, GREGORY J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,058

Applicant(s)

TRUELOVE ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)..
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application Background

1. This action is responsive to the amendment filed on 8/31/2006.
2. Applicant has amended claims 3, 13 and 23; claims 6 and 14 were previously canceled.
3. Claims 1-5, 7-13 and 15-23 are pending in the case, claims 1, 13 and 22 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

5. Claims 1-5, 7-13 and 15-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Russo Borland, "Running Microsoft Word 97", Published by Microsoft Press, Redmond, Washington USA, 1997. "Russo Borland" (herein after "Borland") in view of Parker et al. US Patent RE 36,704, filed 11/16/1995, patented 5/16/2000 (herein after "Parker").

6. **Regarding independent claim 1**, the Borland reference is a training manual for the Microsoft Word 97 word processing software. Borland describes the steps taken by a user of the Word 97 software to reformat previously formatted portions of document text, on pages 35-68, under the heading *Format*. Borland discloses determining a sample of formats comprising a plurality of formats form a format set, where the format set includes a font set and a color set. Borland discloses the use of format “*Styles*” in the figure on page 60. The figure discloses a plurality of format styles and related samples. Each style has font and color settings; see Figure 2-5 on page 43 for examples of color and font settings related to styles. Borland discloses each font set including a plurality of fonts defining a font theme, and each of the formats includes a font name, font color and font size. Borland recites: “*Improving the looks of characters means adding decorative touches to the basic appearance of words—selecting the font name, style, size, and colors*” (page 42, second paragraph).

Borland discloses identifying a portion of text to be reformatted. Borland recites: “*To simply have Word apply a format to your document quickly after you’re done adding text, set an insertion point in the document (or select a portion of the document if you want to decorate only that portion)*” (page 37, second paragraph). Borland discloses reformatting the text and displaying the result in a live preview window. Borland discloses reformatted text in a preview window in figure 2.5 on page 43 and the figure on page 60.

Borland fails to disclose simultaneously displaying each of the reformatted text portions in live preview windows in order that a user can visually compare how each portion of text will appear in each of the formats. Parker teaches the simultaneous display of text portions for comparison by a user in Figure 6a at reference sign 610 (shown on the right hand side of the figure as four simultaneously displayed previews).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to combine the reformatting of Borland with the simultaneous display taught by Parker in order to "*produce user documents with a user selected typeface in a user selected format*" (Parker, column 1, lines 16-17).

7. **In regard to dependent claim 2**, the claim is directed toward a computer readable medium with computer executable instructions. Borland discloses reformatting documents as described above. Borland fails to explicitly describe a computer readable medium with instructions, but Borland describes common computer environment capabilities, like saving files (page 132), creating folders (page 133) and exiting applications (page 150).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to use the teachings of Borland on a computer system, because document format management is typically implemented on a computer system to allow instantaneous document reformatting capabilities.

8. **In regard to dependent claim 3**, Borland discloses selecting a color and font that determines a format set in the first figure on page 43. The user would select the “Ok” button in the dialog window shown in the first figure on page 43 to determine the selected format set.
9. **In regard to dependent claims 4 and 5**, Borland discloses a trained designer defining color schemes (claim 4) and font themes (claim 5). Borland discloses a “*Hiring a Decorator: AutoFormat*” section of his manual, starting on page 35 (second paragraph). Borland also recites: “*Improving the looks of characters means adding decorative touches to the basic appearance of words—selecting the font name, style, size, and colors*” (page 42, second paragraph).
10. **In regard to dependent claim 7**, Borland discloses a preview window displayed above the document. Borland discloses a preview window dialog box in the figure on page 61. Window’s Dialog boxes are displayed above the parent application (in this case the Word document).
11. **In regard to dependent claim 8**, Borland discloses receiving a command to add a custom format in the figure on page 60 (see the “*New*” button shown in the figure). Borland discloses adding the custom format to the sample of formats. Borland describes the steps to add a custom format (described as “*Styles*”) on pages 826 to 842. Specifically the dialog box on page 830 (the upper figure on the page) shows the basic custom font-specifying tool, where the user would select the “Ok” button to add the custom format to the sample of formats. Borland discloses reformatting the

live preview text with the custom format and displaying the reformatted live preview text in the live preview window. Borland discloses a custom format (shown as "Invite") used to reformat a section of live preview text, which is displayed in a live preview window in the figure on page 834.

12. **In regard to dependent claim 9**, Borland discloses a user defined custom format. Borland describes the steps for a user to add a custom format (described as "Styles") on pages 826 to 842.
13. **In regard to dependent claim 10**, the claim contains substantially the same subject matter as claim 2, and is rejected with the same rationale.
14. **In regard to dependent claims 11 and 12**, Borland discloses identifying the portion of text to be reformatted constrained to a portion of text disposed immediately adjacent to a cursor position (claim 11) by text that has been highlighted (claim 12). Borland recites: *"To simply have Word apply a format to your document quickly after you're done adding text, set an insertion point in the document (or select a portion of the document if you want to decorate only that portion)"* (page 37, second paragraph). Borland discloses the live preview text being constrained to a portion of text disposed immediately adjacent to a cursor position in a document in the figure on page 51, in the Preview window shown at the bottom of the dialog box. Although not shown in this example, the cursor had been previously placed immediately adjacent to the "Wild Ride" text of the example document, which has caused the live preview to be constrained to that portion of document text.

15. **In regard to independent claim 13**, the claim is directed to a system for performing the method of claims 1 and 3 combined, and is rejected with the same rationale. Claim 13 also adds the limitation wherein the formats are not applied to the portion of text until after a user selects a format to apply after previewing the portion of text in the live preview window. Borland discloses the live preview window in the figure on page 60 (shown as *Paragraph Preview* and *Character Preview*). Borland discloses an *Apply* button on the control that the user would select after the preview of the portion of text was complete.
16. **In regard to dependent claim 15**, the claim is directed to a system for performing the method of claim 4, and is rejected with the same rationale.
17. **In regard to dependent claim 16**, the claim is directed to a system for performing the method of claim 5, and is rejected with the same rationale.
18. **In regard to dependent claim 17**, the claim is directed to a system for performing the method of claim 7, and is rejected with the same rationale.
19. **In regard to dependent claim 18**, the claim is directed to a system for performing the method of claim 8, and is rejected with the same rationale.
20. **In regard to dependent claim 19**, the claim is directed to a system for performing the method of claim 9, and is rejected with the same rationale.
21. **In regard to dependent claim 20**, the claim is directed to a system for performing the method of claim 11, and is rejected with the same rationale.

22. **In regard to dependent claim 21**, the claim is directed to a system for performing the method of claim 12, and is rejected with the same rationale.
23. **In regard to independent claim 22**, the claim is directed to a user interface for performing the method of claims 1 and 3 combined, and is rejected with the same rationale.
24. **In regard to dependent claim 23**, the claim is directed to a user interface for performing the method of claim 8, and is rejected with the same rationale.

Response to Arguments

25. Applicant's arguments, filed 8/31/2006 have been fully considered but they are not persuasive.
26. **Regarding independent claim 1**, applicant states that: *"the cited art does not teach or suggest 'each font set including a plurality of fonts defining a theme' (page 8 first paragraph, of the response filed 8/31/2006). In response to these arguments the applicant is directed to the rejection of claim 1 as stated above. Borland discloses a format set as claimed by applicant. Borland shows the style feature of Word 97 in the figure on page 60. These styles are a format set. Applicant defines a format set as 'at least one font set and at least one color set' (claim 1). Borland discloses that the styles are related to at least one font set and at least one color set*

in Figure 2.5 on page 43 (the *Modify* button of the figure on page 60 would provide access to the font controls shown in figure 2.5).

Applicant has recited from the originally filed specification to identify an example related to the definition of the format set (bottom of page 8 to the top of page 9, of the response filed 3/3/2006) that shows the format set having a name (Curly-Q Ocean), and implies that the format set is different from a *Style* format set, as disclosed by Borland. However these features (i.e. a format name and a format set that is different from the *Style* format set) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Borland's figure on page 60 also discloses a font theme. In the figure, various styles are shown in the "Styles" list box (on the left side of the figure). The naming of various styles with theme related names is shown (i.e. "*List Number*", "*List Number 2*", "*List Number 3*", "*List Number 4*", etc.).

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
Patent Examiner
November 13, 2006



STEPHEN HONG
SUPERVISORY PATENT EXAMINER